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6P 1642 HS

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February 27, 2002

RECEIVED

MAR 06 2002

Assistant Commissioner for Patents
Washington, DC 20231

TECH CENTER 1600/2900

Re: Response to Restriction Requirement and Recordation of Assignment
Appl. No. 09/873,409
Filed: June 5, 2001
Title: A Gene Encoding a Multidrug Resistance Human P-Glycoprotein Homologue on Chromosome 7p15-21 and Uses Thereof
Inventor(s): Frank, et al.
Atty. Dkt.: 81994/279322

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement;
2. Petition for Extension of Time Under 37 C.F.R. § 1.136;
3. Assignment to The Brigham and Women's Hospital, Inc. executed by inventors Markus H. Frank and Mohamed H. Sayegh, the recordation of which is respectfully requested;
4. Form PTO-1594, Recordation Form Cover Sheet;
5. Our check in the amount of \$240.00 representing the fee for a two-month extension of time for a small entity and the Assignment recordation fee; and
6. Form indicating receipt by the PTO of the above items.



Assistant Commissioner for Patents

February 27, 2002

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It is respectfully requested that the enclosed Receipt be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 03-3975 under Order No. 81994/279322.

Very truly yours,

PILLSBURY WINTHROP LLP

A handwritten signature in black ink that reads "Michael A. Sanzo".

Michael A. Sanzo
Attorney for Applicants
Reg. No. 36,912

MAS:ct
Enclosures

Election /EXC(2)/#7
3/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Frank, *et al.*

Appl. No.: 09/873,409

Filed: June 5, 2001

For: **A Gene Encoding a Multidrug Resistance Human P-Glycoprotein Homologue on Chromosome 7p15-21 and Uses Thereof**

Art Unit: 1642

Examiner: N. Davis

Atty. Dkt. 81994/279322

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Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated November 29, 2001, in which the Examiner imposed a restriction requirement on the above-captioned application, Applicants hereby elect the inventions of Group III, including claims 5-7 and 9, drawn to a polynucleotide and oligonucleotide encoding a multi-drug resistance protein, a vector and a host cell. Applicants respectfully request that the claims in the non-elected restriction groups be cancelled without prejudice.

The present election of restriction Group III is made without traverse.

Applicants do not believe that any fees other than those provided for herein are required for the filing of the present document. Nevertheless, any fees that may be required may be charged to our Deposit Account No. 03-3975 under Order No. 81994/279322.

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this matter, the Examiner is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:

Michael A. Sanzo

Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicants

Date: February 27, 2002

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